



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P(MD).Nos.19198 and 18778 of 2021

and

W.M.P. (MD).Nos.15584 and 15586 of 2021

In W.P. (MD).No.19198 of 2021

M.Kakkappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Narasingampatti at Vellaripatti,
Melur Taluk, Madurai District.

2.The Tahsildar,
Office of the Tahsildar,
Melur Taluk, Madurai District.

3.The Block Development Officer,
Office of the Block Development Officer,
Melur Taluk, Madurai District.

4.The Head Surveyor,
Office of the Head Surveyor,
Melur Taluk Office,
Madurai District.

5.The Firka Surveyor,
Office of the Firka Surveyor,
Melur Taluk Office, Madurai District.

6.The Inspector of Police,
Melur Police Station,
Madurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to measure, demarcate and fix the boundaries in



S.Nos.803 and 802/14 of Therkutheru Village of Melur Taluk, Madurai, which is a Government Pathway land.

For Petitioner

: Mr.S.Ramasundarvijayraj

For R1, R2, R4 to R6

: Mr.J.John Rajadurai
Government Advocate

For R3

: Mr.A.Baskaran

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In W.P. (MD).No.18778 of 2021

Sundaram

... Petitioner

Vs.

1.The Thasildar,
Melur Taluk,
Melur.

2.The Firka Surveyor,
Melur,
O/o Thasildar,
Melur,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling the records relating to the proceedings of the 2nd respondent made in Athumal No.W.P.(MD).No.15320 of 2021 dated 08.10.2021 and quash the same.

For Petitioner

: Mr.S.Prem Kumar

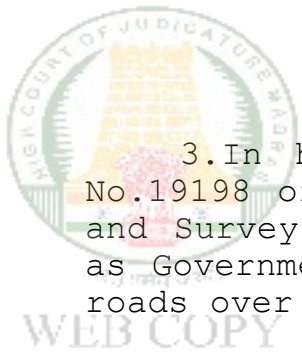
For Respondents

: Mr.J.John Rajadurai
Government Advocate

COMMON ORDER

W.P.(MD).No.19198 of 2021 had been filed by the writ petitioner M.Kakkappan, S/o.Malayandi, in the nature of Mandamus, seeking a direction against the respondents particularly, the second respondent/Tahsildar, Melur Taluk, Madurai District, to measure, demarcate and fix the boundaries with respect to Survey Nos.803 and 802/14 of Therkutheru Village of Melur Taluk in Madurai, which the petitioner claims as Government pathway land.

2.W.P.(MD).No.18778 of 2021 had been filed by the petitioner Sundaram, S/o.Ramu in the nature of Certiorari, seeking interference with the proceedings of the second respondent/Firka Surveyor, Office of Thasildar in Melur, which in effect was actually a notice stating that the said official would conduct survey over Survey Nos.802/14 and 803 and calling upon the petitioner to bring necessary documents with respect to his holdings over the said survey numbers.



3. In his affidavit, M.Kakkappan, the petitioner in W.P.(MD).No.19198 of 2021, has stated that the property in Survey No.802/14 and Survey No.803, are pathways which can be reasonably classified as Government pathway. It is stated that both the roads are access roads over a cluster of houses.

4. The petitioner in W.P.(MD).No.19198 of 2021, is residing in Door No.2/10, Gandhi Street and it is claimed that the pathway in Survey No.803, is also known as Gandhi Street. The petitioner in W.P.(MD).No.18778 of 2021, Sundaram is also a resident of Gandhi Street. He is aggrieved by the issuance of notice pursuant to a representation given by the petitioner in W.P.(MD).No.19198 of 2021.

5. As a matter of fact, after hearing learned Counsels, it is evident that there is no point of law involved. The petitioner in W.P.(MD).No.19198 of 2021, for reasons best known to him had given a representation that the respondents, particularly, the Tahsildar and Head Surveyor should measure and fix the boundaries of two Government pathways in Survey Nos.802/14 and 803. They are Government pathways and no objection can be raised by anybody for conducting survey and fixing boundaries.

6. In one of the impugned notice issued by the Head Surveyor, two of these survey numbers have also been mentioned, namely, 802/15 and 802/18. These are claimed to be under the ownership of the writ petitioner in W.P.(MD).No.18878 of 2021. Nobody had sought for survey of those lands.

7. Therefore, the said petitioner need not to take into account such notice and the notice is also interfered with and set aside. A direction is given to both the Tahsildar and the Head Surveyor to conduct survey with respect to Gandhi Street, which I am informed falls, both under Survey No.802/14 and S.No.803, which are actually parallel to each other. The said survey may be conducted. If there are encroachments, then, the Tahsildar should take appropriate action to remove the encroachers.

8. I am also informed about an order of the Division Bench of this Court, dated 26.10.2021, in W.P.(MD).No.19097 of 2021, wherein, with respect to the very same area, a direction had been given by the Division Bench of this Court that survey must be carried out in Gandhi Street and if there are encroachments the same should be dealt with in accordance with law. The same is again reiterated and I hope that Gandhi Street, Survey Nos.802/14 and 803, and surveyed by the respondents and if there are encroachments, the same be dealt with in accordance with law.

9. The petitioner and the adjoining land owners are directed to participate during the survey of Gandhi Street, S.Nos.802/14 and



10.Both the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Narasingampatti at Vellaripatti,
Melur Taluk, Madurai District.
- 2.The Tahsildar,
Office of the Tahsildar,
Melur Taluk, Madurai District.
- 3.The Block Development Officer,
Office of the Block Development Officer,
Melur Taluk, Madurai District.
- 4.The Head Surveyor,
Office of the Head Surveyor,
Melur Taluk Office,
Madurai District.
- 5.The Firka Surveyor,
Office of the Firka Surveyor,
Melur Taluk Office, Madurai District.
- 6.The Inspector of Police,
Melur Police Station,
Madurai District.



7.The Thasildar,
Melur Taluk,
Melur.

8.The Firka Surveyor,
Melur,
O/o Thasildar,
Melur,
Madurai District.

+1 CC to M/s.A. BASKARAN, Advocate (SR-35582[F] dated 24/11/2021)

+1 CC to M/s.S. RAMSUNDARVIJARAJ, Advocate (SR-35697[F] dated
24/11/2021)

+1 CC to M/s.SPL GP (SR-35866[F] dated 25/11/2021)

W.P(MD) .Nos.19198 and 18778 of 2021
23.11.2021

MGJ(06.12.2021) 5P 12C